

### **REMARKS**

The present response is submitted in reply to the Office action issued on December 9, 2008. Claims 1-31 are pending in this application. Claims 1-17 and 19-29 are rejected and claim 18 is withdrawn. Claims 30 and 31 are objected to. By the present response, claims 1-31 have been canceled and claims 32-38 have been newly added, as discussed below.

The Applicant wishes to thank the Examiner for concluding that claims 30 and 31 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 30 and 31 are amended herein to be placed into independent form and are now presented as new independent claims 32 and 36, respectively. The details of the newly added claims are discussed below. No new matter has been added. Reconsideration is respectfully requested in light of the amendments being made hereby and of the following remarks.

#### **Rejection of claims 1-3, 6, 9-10, 13-21 and 29 under 35 U.S.C. 102(e) and Rejection of claims 4-5, 7-8, 11-12, 22, 23, 25-27 and 28 under 35 U.S.C. 103(a)**

Claims 1-3, 6, 9-10, 13-21 and 29 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,375,963 (Repka, et al.). The Examiner essentially concludes that Repka, et al. disclose every limitation recited in claims 1-3, 6, 9-10, 13-21 and 29. In particular, the Examiner states that Repka, et al. disclose a bioadhesive hot-melt extruded film for topical and mucosal adhesive applications and a drug delivery and process for preparation thereof. The Examiner further states that Repka, et al. teach a hot-melt extruded film for the transdermal or mucosal administration of active substances whose adhesive force develops after humidification. The Examiner further states that

Repka, et al. teach a film for the treatment of wounds which contains, *inter alia*, hydropropyl cellulose, polyvinyl pyrrolidone, carbomer and polycarbophil, which film can be connected to an overlaying adhesive patch and that Repka, et al. disclose in Example 7, a vitamin E adhesive patch that guards against wrinkles and senile lentigo, and contains, *inter alia*, Gantrez MS-955, polycarbophil and hydroxypropyl cellulose, as well as that the bioadhesive film also contains organic acids such as tartaric acid and acrylic polymers.

Claims 4-5, 7-8, 11-12, 22, 23, 25, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repka, et al. in view of U.S. Patent No. 6,682,721 (Kim, et al.). The Examiner states that Repka, et al. fail to teach the ingredients as set forth in claims 4, 5, 7, 8, 11, 12, 22, 23, 25 and 26. In turn, the Examiner refers to Kim, et al. and states that the reference discloses patches for teeth whitening which substantially discloses the presently claimed invention. The Examiner further states that Kim, et al. teach a number of polymers can be used alone or in combination to produce moisture activated adhesives, including PVM/MA copolymers and polyvinyl alcohols. The Examiner states that the examples show that combinations of, for example, Gantrez S-97 with polyvinyl pyrrolidone (Example 6) or polyvinyl alcohol with polyvinyl pyrrolidone (Example 1) have the desired adhesive force on a moist substrate. The Examiner concludes that absent a critical teaching and/or a showing of unexpected results, it would have been obvious to one having ordinary skill in the art to combine the polymers specified in Repka, et al. through routine experimentation with the polymers specified in Kim, et al. for the production of an adhesive layer that has an improved adhesive force on

moist surfaces.

Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repka, et al. in view of U.S. Patent No. 3,322,703 (Lindemann). The Examiner states that Repka, et al. teach carboxymethyl cellulose but fail to teach carboxylic acid in the adhesive composition. The Examiner refers to Lindemann and states that the reference teaches that it is known to use an organic acid such as carboxylic acid in the preparation of remoistenable adhesives in order to accomplish the esterification process. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to substitute the acid used for esterification in Repka, et al. for the carboxylic acid as disclosed by Lindemann depending upon which polymeric material is used.

As noted above, the Examiner has concluded that claims 30 and 31 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (Office action dated December 9, 2008, page 9, section 10). Accordingly, the Applicant has canceled claims 1-31 and submits herewith a new set of claims 32-38. New independent claim 32 is based on the allowable subject matter of claim 30. New independent claim 36 is based on at least a portion of the allowable subject matter of claim 31. Both of claims 32 and 36 include many of the limitations of independent claim 1. New dependent claims 33, 34 and 37 are based on previous dependent claims 5, 8 and 9, respectively. New dependent claims 35 and 38 are based on a portion of previous claim 31.

In view of the present amendments, it is submitted that the aforementioned rejections based on the prior art is no longer germane as the prior art fail to teach each and

every limitation of the presently claimed invention. Therefore, withdrawal of the present rejections is respectfully requested.


### **Conclusion**

For the foregoing reasons, it is believed that the present application, as amended, is in condition for allowance, and such action is earnestly solicited. Based on the foregoing arguments and the deficiencies of the prior art references, the Applicants strongly urge that the rejections be withdrawn. The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

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D. Peter Hochberg Co., L.P.A.  
1940 E. 6<sup>th</sup> St. – 6<sup>th</sup> Floor  
Cleveland, OH 44114  
Phone - (216) 771-3800  
Fax – (216) 771-3804

By:   
D. Peter Hochberg  
Reg. No. 24,603